

Allowable Subject Matter

This Office Action is in response to applicant's communication of 7/24/2007 BPAI Decision. Currently claims 1-40 are pending and in condition for allowance.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

The claims in this application have been allowed because the prior art of record fails to disclose either singly or in combination the claimed method for inducing angiogenesis or myogenesis in a heart of a patient comprising the catheter system, control circuitry, generating a viability map of the heart, and delivering cell to said site, as specified in the claims. Further see board decision of 7/24/2007 pages 8-13 and applicant's remarks in appeal brief of 10/06/2003 at pages 4-11 for additional reasons for allowance.

Ponzi (US 6,027,473), although relevant does not preclude patentability under 103 (c) (2) and (c) (3). For specific reasons see remarks in appeal brief of 10/06/2003 pages 8-11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gray whose telephone number is (571) 272-7180. The examiner can normally be reached on Monday through Friday, 8:30 a.m. to 4:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on (571) 272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phillip Gray/
Examiner, Art Unit 3767
/Kevin C. Sirmons/
Supervisory Patent Examiner, Art Unit 3767